

**MAY 3, 2010
PARMA CITY HALL COUNCIL CHAMBER
REGULAR COUNCIL MEETING
7:00 P.M.**

The regular Council Meeting was called to order by President of Council Charles M. Germana.

COUNCIL MEMBERS PRESENT: BRIAN DAY
 MARY GALINAS
 ROY J. JECH
 LARRY NAPOLI
 KENNETH A. RAMSER
 TOM REGAS
 SCOTT M. TUMA
 SEAN P. BRENNAN
 NICHOLAS J. CELEBREZZE

Mr. Mastroianni – Mr. President, I find a quorum of Council members present. The following officials and department heads were also present: Mayor Dean DePiero, Law Director Timothy Dobeck, Auditor Dennis Kish, Treasurer Anthony Zielinski, Service Director Brian Higgins, Safety Director Gregory Baeppler, Assistant Building Commissioner Don Graves, Communications and Community Relations Director Jack Marschall, Recreation Commissioner Mickey Vittardi, Senior Citizen Director JoAnn Mason, Chief of Staff Meghann McCall, Director of Public Housing Lev Kulchytsky and Clerk of Council Tom Mastroianni.

INVOCATION

The Invocation was given by Clerk of Council Tom Mastroianni.

LEGISLATIVE COMMENT

Mr. Germana – Asked if anyone from the public would like to comment on any legislation that Council will be taking final action on tonight. No one wished to speak.

DISPOSAL OF THE JOURNAL

Mr. Germana – Stated, we have the Minutes from the Regular Council Meeting of April 19, 2010. Asked if there were any additions or corrections to these Minutes? Hearing none, the Minutes will stand approved as printed.

COMMUNICATIONS, PETITIONS AND CLAIMS

Notice of Proposal to Vary for the applicant Daniel Gorsuch, 3915 Snow Road, PPN 447-03-040.

The request is for an "Area" variance of Section 1153.03 (a) – Single Family House Districts – Accessory Uses and Buildings. The proposal is to build a new 24' x 55' detached garage. Maximum size garage allowed by Code on a 55' x 363' lot is 800 sq. ft. The proposed new detached garage on lot size of 55' x 363' is 1,320 sq. ft. This variance would result in 520 more sq. ft. than Code allows on a lot size of 19,965. sq. ft.

There is a stipulation with this variance that no shed will be allowed to be built on this lot.

Mr. Germana - Said Variance will be referred to the Planning Committee.

Notice of Proposal to Vary for the applicant David D. Hugo, 5815 Laverne Avenue, PPN 443-19-093. The request is for an "Area" variance of Section 1185.05 (d) Height Regulations – Height District Exceptions. The proposal is to erect new garage. An accessory building shall not exceed 15' in height at the highest point of the roof nor be more than 1 story in a residential district. The proposed garage would be 17'6" in height. This variance would result in 2'6" more in height than Code allows for accessory building in residential district.

Mr. Germana – Said Variance will be referred to the Planning Committee.

AMENDMENT TO THE AGENDA

Motion made by Councilman Jech seconded by Councilman Day to amend the agenda as follows: On Page 1, under First Reading, add Ordinance No. 111-10 and Ordinance No. 112-10. Also, on Page 2, under Second Reading, remove Ordinance No. 208-09 and add Resolution No. 97-10. Motion carried.

FIRST READING:

	RESOLUTION NO. 98-10	5/3/10	L-98-10
BY:	K. A. RAMSER		

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ISSUE A PERMIT TO TRANSPORT INTO THE TERRITORIAL LIMITS OF THE CITY OF PARMA, FIREWORKS AND FIREWORK SUNDRIES FOR A PYROTECHNIC DISPLAY, AND DECLARING AN EMERGENCY

Mr. Germana – Said Resolution will be referred to Public Safety Committee.

	RESOLUTION NO. 100-10	5/3/10	L-100-10
BY:	M. GALINAS		

A RESOLUTION IN SUPPORT OF OPERATION KEEPSAKE, INC., WHICH CHALLENGES YOUNG PEOPLE TO DEVELOP HEALTHY RELATIONSHIPS, STRONG CHARACTER, AND SEXUAL RESTRAINT SO THAT THEY MAY BUILD AND SUSTAIN COMMITTED MARRIAGES AND STRONG FAMILIES IN THE FUTURE, AND DECLARING AN EMERGENCY

Mr. Germana – Said Resolution will be referred to the Public Safety Committee.

RESOLUTION NO. 106-10 5/3/10 L-106-10

BY: S. M. TUMA
(By Request – Auditor)

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF PARMA,
OHIO, FOR THE YEAR 2011, AND DECLARING AN EMERGENCY

Mr. Germana – Said Resolution will be referred to the Finance Committee.

ORDINANCE NO. 110-10 5/3/10 L-110-10

BY: S. M. TUMA

AN ORDINANCE TO REZONE PERMANENT PARCEL NUMBER
453-03-001 LOCATED ON RIDGE ROAD NEAR DAY DRIVE,
IN THE CITY OF PARMA, FROM SINGLE FAMILY RESIDENTIAL
AA1 DISTRICT TO RETAIL BUSINESS C1 DISTRICT

Mr. Germana – Said Ordinance be referred to the Planning Committee and
Planning Commission.

ORDINANCE NO. 111-10 5/3/10 L-111-10

BY: S. M. TUMA
(By Request – Human Resources Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO ENTER INTO A SECTION 457 DEFERRED COMPENSATION PLAN
ADOPTION AND SERVICE AGREEMENT WITH LINEWEAVER FINANCIAL
GROUP, INC., AND FIDELITY MANAGEMENT TRUST COMPANY, TO
OFFER CITY EMPLOYEES ADDITIONAL DEFERRED COMPENSATION
PLANS, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance will be referred to the Finance Committee.

ORDINANCE NO. 112-10 5/3/10 L-112-10

BY: S. M. TUMA
(By Request – Human Resources Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
TO ENTER INTO A SECTION 457 DEFERRED COMPENSATION PLAN
ADOPTION AND SERVICE AGREEMENT WITH METROPOLITAN LIFE
INSURANCE COMPANY THROUGH ITS AGENT TO OFFER CITY
EMPLOYEES ADDITIONAL DEFERRED COMPENSATION PLANS, AND
DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance will be referred to the Finance Committee.

SECOND READING:

ORDINANCE NO. 55-10 4/19/10 L-55-10
BY: M. GALINAS
(By Request – Law Director)

AN ORDINANCE TO AMEND SUBSECTION (c) (6) "LATE PAYMENTS"
OF SECTION 313.035 "USE OF AUTOMATED CAMERAS TO IMPOSE
CIVIL PENALTIES UPON SPEEDING VIOLATORS IN ANY SCHOOL ZONE"
OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND
DECLARING AN EMERGENCY

Motion made by Councilwoman Galinas seconded by Councilman Day to refer
Ordinance No. 55-10 back to the Public Safety Committee. Motion carried.

ORDINANCE NO. 89-10 4/19/10 L-89-10
BY: S. M. TUMA
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF
PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST
AND BEST BIDDER FOR THE LEASE/PURCHASE OF EIGHT (8) 4-DOOR
SEDANS, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma seconded by Councilman Day to refer
Ordinance No. 89-10 back to the Finance Committee. Motion carried.

RESOLUTION NO. 97-10 4/19/10 L-97-10
BY: M. GALINAS, S. BRENNAN, N. CELEBREZZE, B. DAY, R. J. JECH,
L. NAPOLI, K. A. RAMSER, T. REGAS, S. M. TUMA

A RESOLUTION OPPOSING THE PLAN FOR RATE INCREASES
BY FIRSTENERGY CORPORATION FOR RESIDENTIAL CUSTOMERS,
AND DECLARING AN EMERGENCY

Motion made by Councilman Brennan seconded by Councilman Day to refer
Resolution No. 97-10 back to the Governmental Operations Committee. Motion carried.

THIRD READING :

ORDINANCE NO. 85-10 4/5/10 L-85-10
BY: M. GALINAS
(By Request – Law Director)

AN ORDINANCE TO REPEAL SECTION 636.025 "ASSAULTING A
PEACE OFFICER" OF THE CODIFIED ORDINANCES OF THE CITY
OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Day to adopt Ordinance No. 85-10.

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; Ordinance No. 85-10 is adopted.

	ORDINANCE NO. 87-10	4/12/10	L-87-10
BY:	R. J. JECH	(Special Meeting)	
	(By Request – Human Resources Director)		

AN ORDINANCE TO AMEND A PORTION OF EXHIBIT "A" OF ORDINANCE NO. 348-04 RELATIVE TO THE CREATION OF THE POSITION OF REDFLEX COORDINATOR/EXECUTIVE CLERK WITHIN THE MAYOR'S OFFICE, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Day to adopt Ordinance No. 87-10.

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: Galinas, Brennan; Ordinance No. 87-10 is adopted.

SUSPENSION OF THE RULES:

Mr. Germana – Shall the Statutory provision and Rule 48 requiring the full and distinct reading of Resolution No. 99-10, Resolution No. 101-10, Ordinance No. 102-10, Resolution No. 103-10, Resolution No. 104-10, Ordinance No. 105-10, Resolution No. 108-10 and Ordinance No. 109-10 on three different days be dispensed with?

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; motion carried.

Mr. Germana – Shall Rule 45 requiring reference to committee be dispensed with and Resolution No. 99-10, Resolution No. 101-10, Ordinance No. 102-10, Resolution No. 103-10, Resolution No. 104-10, Ordinance No. 105-10, Resolution No. 108-10 and Ordinance No. 109-10 be placed on final passage?

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; motion carried.

	RESOLUTION NO. 99-10	5/3/10	L-99-10
BY:	L. NAPOLI, R. J. JECH, K. RAMSER, T. REGAS		
	(By Request – City Engineer)		

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF PARMA AND THE DEPARTMENT OF THE ARMY FOR THE WEST CREEK WATERSHED SANITARY SEWER IMPROVEMENTS PROJECT (BROADVIEW ROAD AND PARKHAVEN DRIVE) FOR FUNDING ASSISTANCE BY THE DEPARTMENT OF THE ARMY, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Day to adopt Resolution No. 99-10.

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; Resolution No. 99-10 is adopted.

RESOLUTION NO. 101-10 5/3/10 L-101-10
BY: M. GALINAS, B. DAY, R. J. JECH, L. NAPOLI, K. R. RAMSER, T. REGAS,
S. M. TUMA, S. BRENNAN, N. CELEBREZZE

A RESOLUTION IN SUPPORT OF "NATIONAL DAY OF PRAYER" ON
MAY 6, 2010, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Day to adopt
Resolution No. 101-10.

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; Resolution No. 101-10 is adopted.

ORDINANCE NO. 102-10 5/3/10 L-102-10
BY: S. M. TUMA
(By Request – Auditor)

AN ORDINANCE TO AMEND THE 2010 PERMANENT APPROPRIATIONS
OF THE CITY OF PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Day to adopt
Ordinance No. 102-10.

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; Ordinance No. 102-10 is adopted.

RESOLUTION NO. 103-10 5/3/10 L-103-10
BY: S. M. TUMA
(By Request – Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S POST CERTIFICATION
OF REQUISITIONS AS DETAILED IN EXHIBIT "A" AND DECLARING AN
EMERGENCY

Motion made by Councilman Jech seconded by Councilman Day to adopt
Resolution No. 103-10 with amended Exhibit "A".

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; Resolution No. 103-10 is adopted.

RESOLUTION NO. 104-10 5/3/10 L-104-10
BY: S. BRENNAN, B. DAY, M. GALINAS, R. J. JECH, L. NAPOLI, K. A. RAMSER,
T. REGAS, S. M. TUMA, N. J. CELEBREZZE

A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO
INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT
PARCEL NUMBER 443-17-025, 6709 THEOTA AVENUE, PARMA,
OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Day to adopt Resolution No. 104-10.

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; Resolution No. 104-10 is adopted.

RESOLUTION NO. 105-10 5/3/10 L-105-10
BY: S. M. TUMA, B. DAY, M. GALINAS, R. J. JECH, L. NAPOLI, K. A. RAMSER,
T. REGAS, S. P. BRENNAN, N. J. CELEBREZZE

A RESOLUTION REQUESTING THE BUILDING COMMISSIONER TO
INSTITUTE SUMMARY NUISANCE ABATEMENT OF PERMANENT
PARCEL NUMBER 448-26-012, 6400 WEST 54TH STREET, PARMA,
OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Day to adopt Resolution No. 105-10.

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; Resolution No. 105-10 is adopted.

RESOLUTION NO. 108-10 5/3/10 L-108-10
BY: B. DAY, M. GALINAS, R. J. JECH, L. NAPOLI, K. A. RAMSER, T. REGAS,
S. M. TUMA, S. P. BRENNAN, N. J. CELEBREZZE

A RESOLUTION TO PROCLAIM THE FIRST WEEK OF MAY, 2010,
AS "YOUTH WEEK", AND DECLARING AN EMERGENCY

Motion made by Councilman Jech seconded by Councilman Day to adopt Resolution No. 108-10.

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; Resolution No. 108-10 is adopted.

ORDINANCE NO. 109-10 5/3/10 L-109-10
BY: M. GALINAS. S. P. BRENNAN
(By Request – Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (c)
"BUSINESS REGULATION CODE" OF SECTION 185.04 "FEES
OF THE DIRECTOR OF PUBLIC SAFETY" OF THE CODIFIED
ORDINANCES OF THE CITY OF PARMA, RELATIVE TO THE
FEES FOR TATTOO ESTABLISHMENTS, AND DECLARING AN
EMERGENCY

Motion made by Councilman Jech seconded by Councilman Day to adopt Ordinance No. 109-10.

Yes: Day, Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; Ordinance No. 109-10 is adopted.

PUBLIC SESSION

No one from the public wished to speak.

MISCELLANEOUS BUSINESS

Mayor DePiero – Encouraged everyone to vote on Parma City School Issues 9 and 10.

Thanked everyone for their support in the loss of a member of their family.

Safety Director Baeppler – No comment.

Service Director Higgins – No comment.

Treasurer Zielinski – No comment.

Law Director Dobeck – No comment.

Auditor Kish – No comment.

Councilman Day – No comment.

Councilwoman Galinas – Commented on the success of the Safety Fair and thanked everyone for their help. Commented on the amount of high weeds throughout the City.

Councilman Jech – No comment.

Councilman Napoli – No comment.

Councilman Ramser – No comment.

Councilman Regas – No comment.

Councilman Tuma – Encouraged everyone to get out and vote.

Councilman Brennan – Wished everyone good luck on the election.

Councilman Celebrezze – Commented on the election on Tuesday.

Mr. Germana – Stated the next Committee Meetings will be on Monday, May 10, 2010 at 7 P.M.

ADJOURNMENT

Motion made by Councilman Day seconded by Councilwoman Galinas to adjourn the Regular Council Meeting. Motion carried.

CERTIFICATION

I, Thomas Mastroianni, Clerk of Council for the City of Parma, Ohio, do hereby certify this to be a true and correct copy of the Minutes from the Regular Council Meeting held on Monday, May 3, 2010.

THOMAS MASTROIANNI
CLERK OF COUNCIL

CHARLES M. GERMANA
PRESIDENT OF COUNCIL

Meeting adjourned at 7:35 P.M.

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(Minutes completed on May 5, 2010)